Wichita-Sedgwick County Metropolitan Area Planning Department

Maroun Abou-Faissal
656 N Brookfield
Wichita, KS 67206

25 March 2019

Meridian Construction
2605 W 11th Street North
Wichita, KS 67203

RE: **BZA2019-00009** – City Variance to reduce the side yard setback for a recently constructed garage from 3 feet to 0.8 feet on property zoned SF-5 Single Family Residential and generally located 1/4 mile east of North Woodlawn Boulevard and 1/4 mile north of East Central Avenue (656 N Brookfield).

Dear Applicant,

At its regular meeting on **March 21, 2019**, the Wichita - Sedgwick County Board of Zoning Appeals considered the above captioned request. The action of the BZA was to **APPROVE** the request.

Enclosed is a signed copy of the above referenced BZA Resolution adopted by the Board of Zoning Appeals. This resolution reflects the official actions of the Board and is forwarded for your information and files.

Part of the resolution indicates 2 conditions that must be met in order for the variance to take effect.

1. **The applicant must obtain and Use of Easement permit from Wichita Public Works and submit documentation of the permit to the Planning Department.** Please contact Julianne Kallman at 316-268-4236 to request the permit.
2. **The applicant must clarify and prove that all overhangs and gutters associated with the garage do not encroach on the adjacent property.** Please provide documentation to the Planning Department showing that all elements of the garage reside inside your property lines.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Philip Zevenbergen
Associate Planner

Copies to: MABCD
Becky Tuttle, WCC District II
Cory Buchta, CSR District II
Jeff Vansant, City Law

BZA RESOLUTION NO. BZA2019-00009

WHEREAS, Maroun Abou-Faissal (Applicant) Meridian Construction (Agent); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to allow an existing detached garage to encroach 2.2 feet into the 3-foot side yard setback at 656 North Brookfield Road and legally described as follows:

Legal Description: Lot 1, Block I of the Woodlawn Village 1st Addition to Wichita, Sedgwick County, KS.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of March 21, 2019, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

WHEREAS, the conditions of the request are unique to the subject property. In this case, all applicable and required permits were obtained from the Metropolitan Area Building and Construction Department prior to construction and all proper inspections up to and including the final certificate of occupancy were obtained.

WHEREAS, the new construction will change little to nothing regarding impacts to the surrounding properties and the use and enjoyment of those properties. The applicant has ensured that all structures, driveways, and fencing does not encroach on adjacent property.

WHEREAS, the detached garage was constructed with all applicable permits, inspections, and certificates, and rebuilding the structures a few feet away from the present location would be an adverse hardship to the applicant.

WHEREAS, it is the opinion of the Board of Zoning Appeals that the requested variance would not adversely affect the public interest, health, safety or welfare. Allowing this garage addition will improve the overall quality and value of the property and, by extension, the neighborhood.

WHEREAS, It is the opinion of Board of Zoning Appeals that since a required permits, inspections, and certificates were obtained for this existing garage, the spirit and intent of the regulations to permit uses to generally continue would be met.

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, a Variance to allow an existing detached garage to encroach

2.2 feet into the 3-foot side yard setback at 656 North Brookfield Road and legally described as follows:

Legal Description: Lot 1, Block I of the Woodlawn Village 1st Addition to Wichita, Sedgwick County, KS.

The variances are hereby GRANTED, subject to the following conditions:

1. The garage, as constructed, is approved; provided no additions to the structure that result in decreasing the setback further are permitted.
2. The interior side setback reduction shall only apply to the garage structure on the site plan.
3. The applicant will obtain a Use of Easement permit from Wichita Public Works to rectify encroachment of the garage into the 8-foot utility easement at the rear property line. Documentation of this permit shall be submitted to the Planning Department.
4. The applicant will clarify and prove that all overhangs and gutters of the garage do not encroach into the adjacent property. Documentation shall be submitted to the Planning Department and approved by Planning Director.

ADOPTED AT WICHITA, KANSAS, this 21st Day of March 2019.

Cindy Miles, BZA Board Chair

ATTEST:

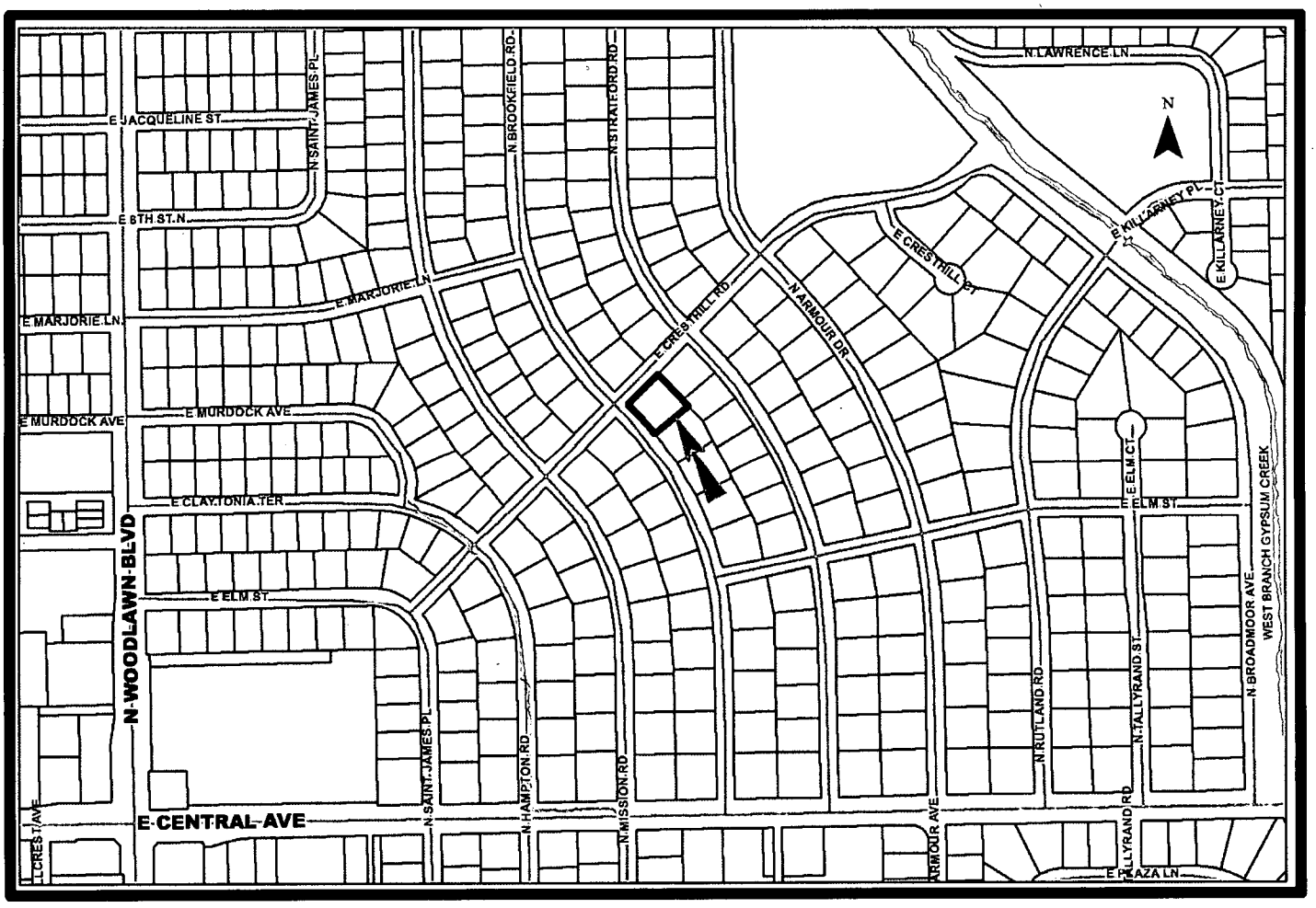
David L. Yearout,
BZA Secretary

Wichita-Sedgwick County Zoning Board of Appeals
March 21, 2019

AGENDA ITEM NO. ___

SECRETARY'S REPORT

CASE NUMBER:	BZA2019-00009
APPLICANT/AGENT:	Maroun Abou-Faissal (Applicant); Meridian Construction (Agent)
REQUEST:	Variance to reduce the interior side setback from three (3) feet to zero-point-eight (0.8) feet for a recently constructed garage.
CURRENT ZONING:	SF-5 Single-Family Residential District
SITE SIZE:	0.45 acres
LOCATION:	Generally located approximately one-quarter mile east of North Woodlawn Boulevard and approximately one-quarter mile north of East Central Avenue (656 N Brookfield).



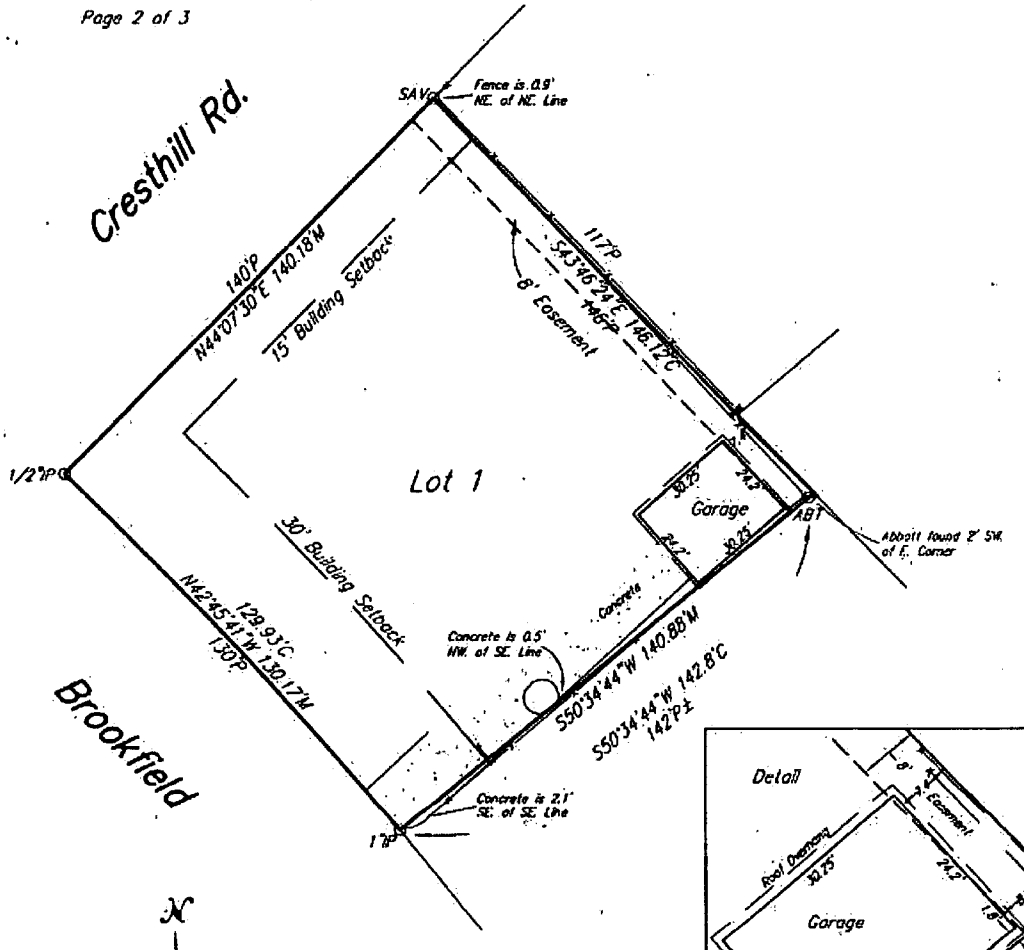
SITE PLAN

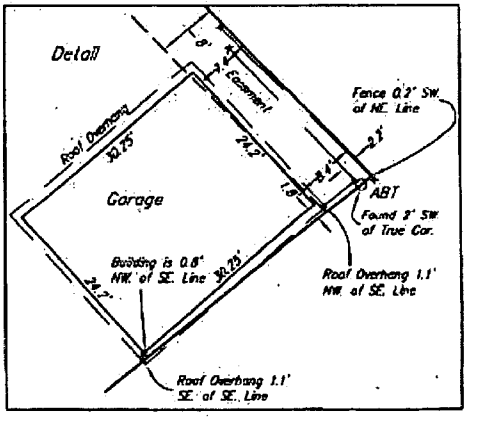
APPROVED 3/21/19 BY

Savoy Company, P.A.
Land Surveyors
www.savoyco.com

Wichita, Kansas
433 S. Hydraulic
Wichita, KS 67211-1911
Tel. (316) 265-0005
Fax. (316) 265-0275

El Dorado, Kansas
120 N. Main, Suite 3
El Dorado, KS 67042-2058
Tel. (316) 452-5552
Fax. (316) 452-5682





N

1" = 40'

LEGEND:
P = Platted
M = Measured
C = Calculated

PROJECT NO. 18HH18290 BSR

- SAV ..... 1/2" REBAR W/SAVOY CAP (SET)
- ABT ..... 1/2" REBAR W/ABBOTT CAP (FOUND)
- 1" IP ..... 1" IRON PIPE (FOUND ORIGIN UNKNOWN)
- 1/2" IP ..... 1/2" IRON PIPE (FOUND ORIGIN UNKNOWN)